

SUPPLEMENTAL
EXECUTIVE OFFICER SUMMARY REPORT
June 19, 2013

- ITEM: 9
- SUBJECT: Public Hearing (Continued): Waste Discharge Requirements: Foothill/Eastern Transportation Corridor Agency, Tesoro Extension (SR 241) Project, Orange County (Tentative Order No. R9-2013-0007) (*Darren Bradford*).
- PURPOSE: To consider adoption of revised Tentative Order No. R9-2013-0007, Waste Discharge Requirements for the Foothill/Eastern Transportation Corridor Agency (F/ETCA), Tesoro Extension (SR 241) Project, Orange County.
- RECOMMENDATION: Adoption of the revised Tentative Order No. R9-2013-0007 is recommended.
- DISCUSSION: By letter dated May 30, 2013 the Revised Tentative Order was released for public review and comment. Consistent with the direction provided by Board Chair Morales at the March 13, 2013 Board meeting, further written comments were limited to: 1) revisions to the Tentative Order since March 13, 2013; and 2) comments pertaining to the Revised Tentative Order and CEQA. Comments on the Revised Tentative Order were required to arrive no later than 5:00 p.m. on June 7, 2013. Over 440 comment letters were received by the due date. Of the approximately 440 letters received, 396 were form letters. Electronic copies of the timely comment letters are provided in **Supporting Document No. 10**.
- The timely submitted comment letters regarding the Revised Tentative Order include several substantive comments on issues of importance to the Save San Onofre Coalition and others, as well as a number of comments requesting clarification and various modifications to the Revised Tentative Order. An *Addendum To Response To Comments Report, Tentative Order No. R9-2013-0007 (Supporting Document No. 11)* has been prepared to address the comments and

concerns of the timely submitted comment letters. The substantive issues in these comment letters include:

1. **Concerns regarding the F/ETCA CEQA Addendum**
The primary issues concern alleged segmentation of the Project, Regional Board reliance on inadequate CEQA documentation, and issues related to public participation.
2. **South Orange County Draft Hydromodification Management Plan**
Concerns were raised regarding the impacts of the Project on coarse grain sediment (bedload) transport, which naturally armors the receiving water stream bed and reduces the erosive forces associated with high flows.
3. **Timing of Mitigation and Runoff Plans**
Concerns were raised regarding the adequacy of the timing of the San Diego Water Board approval of the Habitat Mitigation and Monitoring Plan and the Runoff Management Plan.
4. **Changes to the Revised Tentative Order**
Several requests for changes to the Revised Tentative Order were made by the Discharger and Rancho Mission Viejo regarding the receiving water monitoring requirements.

The *Addendum To Response To Comments Report* addressing these issues and an errata sheet for the Revised Tentative Order (**Supporting Document Nos. 10 and 12**) were released for public review on June 13, 2013 and posted on the San Diego Water Board website.

Please note, Supporting Document Nos. 1-9 were previously provided.

LEGAL CONCERNS: None.

SUPPORTING DOCUMENTS:

1. EOSR and Supplemental EOSR for Item 8 of the March 13, 2013 San Diego Water Board meeting.
2. San Diego Water Board Member Questions for Written Response Due March 29, 2013 by 5:00 p.m.
3. Shute, Mihaly & Weinberger LLP, Save San Onofre Coalition's Response to San Diego Water Board Questions for Written Response, dated March 29, 2013.
4. Nossaman LLP, Foothill/Eastern Transportation Corridor Agencies, Response to San Diego Water

- Board Questions for Written Response, dated March 29, 2013.
5. A Resolution of the F/ETCA Board of Directors Approving the Addendum to the Final Subsequent Environmental Impact Report and the Conceptual Design of the Tesoro Extension Project. (Resolution No. 2013F-005), dated April 18, 2013.
 6. Addendum to the South Orange County Transportation Infrastructure Improvement Project (SOCTIIP) Final Subsequent Environmental Impact Report, dated February 2013.
 7. F/ETCA Notice of Determination, dated April 23, 2013.
 8. San Diego Water Board Revised Response to Comments document.
 9. Revised Tentative Order No. R9-2013-0007 with attachments.
 10. Comment Letters Regarding Revised Tentative Order
 11. Addendum To Response To Comments Report, Revised Tentative Order No. R9-2013-0007
 12. Errata Sheet, Revised Tentative Order R9-2013-0007